

**JUDGE KAPLAN**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**13 CV 7874**

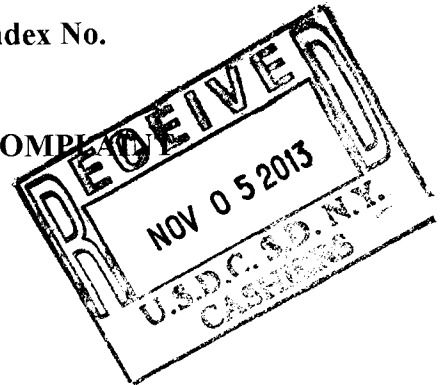
**TUFAMERICA, INC.,**

Index No.

**Plaintiff,**

**v.**

COMPLAINT



**WB MUSIC CORP., WARNER-  
TAMERLANE PUBLISHING CORP.,  
ROC NATION, LLC, ATLANTIC  
RECORDING CORPORATION,  
ROC-A-FELLA RECORDS, LLC, and  
SHAWN CARTER,**

**Defendants.**

Plaintiff TufAmerica, Inc. ("TufAmerica"), by and through its undersigned counsel,  
alleges as follows:

**BACKGROUND**

1. This case is about the misappropriation by the defendants of a musical composition and sound recording entitled "Hook & Sling Part 1" ("Hook & Sling"). Tufamerica acquired ownership and exclusive administration of Hook & Sling in 1996. Defendants sampled Hook & Sling without authorization in a recording titled "Run This Town," released as a track on the Jay-Z albums "The Blueprint 3," and "The Hits Collection Volume One." Defendants reproduced and distributed "Run This Town" in various formats, including vinyl, compact disc, and digital downloads.

**PARTIES**

2. Plaintiff TufAmerica, Inc. is a New York corporation with a place of business at 246 W. 38th Street, Suite 502, New York, New York.

3. Upon information and belief, defendant WB Music Corp. (“WB Music”) is a California corporation having an office at 10585 Santa Monica Blvd, Los Angeles, CA 90025.

4. Upon information and belief, defendant Warner-Tamerlane Publishing Corp. (“Warner-Tamerlane”) is a California corporation having an office at 10585 Santa Monica Blvd., Los Angeles, CA 90025.

5. Upon information and belief, defendant Roc Nation LLC (“Roc Nation”) is a Delaware limited liability company having an office at 1411 Broadway, 39<sup>th</sup> Floor, New York, NY 10018.

6. Upon information and belief, defendant Atlantic Recording Corporation is a Delaware corporation having an office at 75 Rockefeller Plaza, 31<sup>st</sup> Floor, New York, NY 10019.

7. Upon information and belief, defendant Roc-A-Fella Records, LLC is a New York limited liability company having an office at 825 8<sup>th</sup> Avenue, 29<sup>th</sup> Floor, New York, NY 10019.

8. Upon information and belief, defendant Shawn Carter is a natural person having an address at 1411 Broadway, 38<sup>th</sup> Floor, Attn. J. Meneilly, New York, NY 10018.

#### **JURISDICTION AND VENUE**

9. This Complaint seeks relief arising under the Copyright Laws of the United States, 17 U.S.C. §101, et seq., and this Court has jurisdiction pursuant to 28 U.S.C. §1338(a). Jurisdiction over the related state law claims is appropriate pursuant to 28 U.S.C. §1338 and 1367. This actions seeks statutory damages pursuant to 17 U.S.C. §504, and compensatory and punitive damages under New York law.

10. Venue in this District is proper pursuant to 28 U.S.C. §1391 and §1400 in that Defendants do business and/or are present within the Southern District of New York and are subject to personal jurisdiction there. Defendants have directed their activities and marketing of musical recordings to New York residents, and New York residents were able to download infringing musical recordings by way of a website controlled or authorized by Defendants. Defendants thus do continuous and systematic business in New York, upon information and belief have entered into transactions directly related to the subject matter of this lawsuit, and are present in New York for purposes of establishing this Court's jurisdiction over them.

### **FACTS**

11. TufAmerica is the owner of the Tuff City Music Group, which was founded in 1981 as a rap and hip-hop label. Since then, TufAmerica has moved into other musical genres, including blues, soul, funk, and R&B, acquiring the rights to thousands of musical recordings and compositions.

12. In 1996, TufAmerica acquired all of the rights as exclusive administrator to and as 50% owner of the copyrights to Hook & Sling from Al Scramuzza (the "1996 Agreement"). The 1996 Agreement covers not only recordings released by Scrammuza's Scram Records label, but also songs published by his Uzza Music publishing company as well. The 1996 Agreement expressly grants Tufamerica the exclusive rights to "release, license, sublicense, advertise, assign, exploit and sell the Masters and phonograph records manufactured therefrom, and the performances and compositions embodied therein, and any and all media and fields of use, now known or hereafter to become known and to permit others to do so," and "to synchronize same with visual images and to permit others to do so."

13. The 1996 Agreement also expressly grants Tuff City the exclusive rights to “perform publicly, or to permit the public performance, or to refrain therefrom, of the Masters, and the performances and compositions embodied thereon, and phonograph records manufactured therefrom, in all media and fields of use, whether now known or hereafter to become known.”

14. The master recording copyrights acquired by Tufamerica in the 1996 Agreement include the copyrights in and to the master recording entitled “Hook & Sling Part 1” and (the “Hook & Sling Master”).

15. The musical composition copyrights acquired by Tufamerica in the 1996 Agreement include the copyrights in the musical composition entitled “Hook & Sling Part 1” (the “Hook & Sling Composition”).

16. TufAmerica recorded its interest in the Hook & Sling Master and Composition with the United States Copyright Office on May 25, 2000.

#### **DEFENDANTS MISAPPROPRIATE HOOK & SLING**

17. Upon information and belief, defendants used one or more unauthorized samples of significant portions of the Hook & Sling Master and Composition in the sound recording titled “Run This Town,” which was released by one or more defendants as part of the album titled “The Blueprint 3” and as part of the album titled “The Hits Collection Volume One.”

18. Upon information and belief, the Hook & Sling Master is used dozens of times in “Run This Town.”

19. Upon information and belief, defendants reproduced, distributed and publicly performed the audio recording “Run This Town” in a music video as well as in the albums “The Blueprint 3” and “The Hits Collection Volume One.”

20. Tufamerica did not authorize the defendants' reproduction, distribution or public performance of the audio recording "Run This Town" in a music video or in the albums "The Blueprint 3" and "The Hits Collection Volume One."

21. Defendants do not have any right to reproduce, distribute or publicly perform samples of the Hook & Sling Master and Composition in the audio recording "Run This Town" in a music video or in the albums "The Blueprint 3" and "The Hits Collection Volume One."

**FIRST CAUSE OF ACTION**  
**(Common Law Copyright Infringement – Hook & Sling Master – Run This Town -- Audio Recording)**

22. TufAmerica repeats and realleges each and every allegation contained in paragraphs 1 through 21 as though set forth in full herein.

23. The Hook & Sling Master is unique intellectual property subject to common-law copyright protection under the law of the State of New York.

24. By virtue of the 1996 Agreement, TufAmerica possesses the exclusive rights to release, license, exploit and publicly perform the Hook & Sling Master in any and all media and fields of use and to permit others to do so and to synchronize the Hook & Sling Master with visual images and to permit others to do so.

25. TufAmerica has not authorized the Defendants to release, exploit, or publicly perform the Hook & Sling Master.

26. Upon information and belief, defendants have used one or more significant portions of the Hook & Sling Master in the "Run This Town" recordings.

27. The unauthorized reproduction, distribution and public performance by Defendants of samples of the Hook & Sling Master in the "Run This Town" recordings embodied in the albums "The Blueprint 3" and "The Hits Collection Volume One"

constitutes infringement of TufAmerica's exclusive rights in and to the common law copyrights in Hook & Sling Master.

28. Defendants are liable for the common law infringement of the Hook & Sling Master.

29. As a direct and proximate result of Defendants' willful, wanton, and reckless tortious conduct, TufAmerica is entitled to compensatory and punitive damages in an amount to be proven at trial.

**SECOND CAUSE OF ACTION  
(Common Law Copyright Infringement – Hook & Sling Master – Run This Town -- Music Video)**

30. TufAmerica repeats and realleges each and every allegation contained in paragraphs 1 through 28 as though set forth in full herein.

31. Upon information and belief, defendants have used one or more significant portions of the Hook & Sling Master in the "Run This Town" video.

32. The unauthorized reproduction, distribution and public performance by Defendants of samples of the Hook & Sling Master in the music video "Run This Town" constitutes infringement of TufAmerica's exclusive rights in and to the common law copyrights in Hook & Sling Master.

33. Defendants are liable for the common law infringement of the Hook & Sling Master.

34. As a direct and proximate result of Defendants' willful, wanton, and reckless tortious conduct, TufAmerica is entitled to compensatory and punitive damages in an amount to be proven at trial.

**THIRD CAUSE OF ACTION**  
**(Copyright Infringement – Hook & Sling Compositions – Run This Town)**

35. TufAmerica repeats and realleges each and every allegation contained in paragraphs 1 through 32 as though set forth in full herein.

36. The Hook & Sling Composition is unique intellectual property subject to United States law under the Copyright Act of 1976.

37. The Hook & Sling Composition was registered with the U.S Copyright Office, Registration Number EU117231.

38. By virtue of the 1996 Agreement, TufAmerica possesses the exclusive rights to reproduce, distribute and publicly perform the Hook & Sling Composition.

39. TufAmerica has not authorized Defendants to reproduce, distribute or publicly perform any part of the Hook & Sling Composition.

40. The reproduction and distribution by Defendants of “Run This Town,” in the albums “The Blueprint 3” and “The Hits Collection Volume One” which include unauthorized uses of the Hook & Sling Composition, constitutes infringement of TufAmerica’s exclusive rights in and to the Hook & Sling Composition.

41. Defendants are liable for the willful infringement of the federal copyrights in the Hook & Sling Composition.

42. As a direct and proximate result of Defendant’s conduct, TufAmerica is entitled to compensatory or statutory and punitive damages in an amount to be proven at trial.

**SIXTH CAUSE OF ACTION**  
**(Copyright Infringement – Hook & Sling Compositions – Music Video)**

43. TufAmerica repeats and realleges each and every allegation contained in paragraphs 1 through 40 as though set forth in full herein.

44. The reproduction and distribution by Defendants of the “Run This Town” music video, which includes unauthorized uses of the Hook & Sling Composition, constitutes infringement of TufAmerica’s exclusive rights in and to the Hook & Sling Composition.

45. Defendants are liable for the willful infringement of the federal copyrights in the Hook & Sling Composition.

46. As a direct and proximate result of Defendant’s conduct, TufAmerica is entitled to compensatory or statutory and punitive damages in an amount to be proven at trial.

WHEREFORE, TufAmerica prays for judgment against Defendants as follows:

1. For an accounting, the imposition of a constructive trust, restitution to TufAmerica of Defendants’ unlawful proceeds, and damages according to proof.
2. For an order enjoining defendants from any further distribution or exploitation of the “Run This Town” audio recording and music video, as well as any recordings or videos that include the Hook & Sling Masters or use the Hook & Sling Compositions..
3. For punitive and exemplary damages in an amount as may be awarded at trial.
4. For prejudgment interest according to law.
5. For TufAmerica’s costs incurred in this action including its reasonable attorneys’ fees.
6. For such other and further relief as the Court may deem just and proper.



Respectfully submitted,

By: 

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Attorney for Plaintiff

Dated: Sea Cliff, New York  
October 23, 2013